Scott. H-27—20,000—16-11-40.

Home (1941) Department.

Ms. SERIES.

G.O. No. 5-884

Dated 3-12-41

Despatch Abstract.]

Memorial to His Excellency the Governor-General - Sri K. Narayana, retired amin, District Magistrate's Court, Udipi - South Kanara District - Request to condone deficiency in superior service or to grant enhanced pension etc - withheld.

OFFICE OF THE PRIVATE SECRETARY TO THE VICEROY.

Chief Sect
Home u.o
Sp38
17/11/41

ASSISTANT SECRETARY TO GOVT. * HOME DEPARTMENT * 18 NOV. 1941

ASSISTANT SECRETARY TO GOVT. 17 NOV 1941 CHIEF SECRETARIAT

No. F.178-G/41.

OFFICE MEMORANDUM.

Transferred to the Chief Secretary to the Government of Madras, for disposal.

246141
18/11

2. No reply has been sent to the enclosed.

SIMLA
NEW DELHI,
The 13 Novr., 1941.

ASSISTANT SECRETARY.
Assistant Private Secy to the Viceroy.

Documents accompanying :

One petition dated the 8th November 1941, from Mr. K. Narayna, Udipi, South Kanara, with enclosure.

P. S. V. 3.

HPC—S2—191 PStoV—13-12-35—5,000.

OFFICE OF THE SECRETARY
V. 3998 - F
12/11/41.
V C & Y.

2
1

Udipi, South Kanara.
Dated. 8th November '41.

To

His Excellency the Governor General of India,
New Delhi

Humble Memorial of K. Narayna,
Retired Amin, District Munsif's
Court, Udipi, South Kanara.

May it please Your Excellency,

Your Memorialist is highly aggrieved by the orders of the Government of Madras passed in G.O. No. Ms. 3752 Home Department dated 20th August 1941 declining to reopen the orders passed in G.O. No. 408 Home dated 26th January 1940 and G.O. No. 4253 Home, dated 21st October 1940 and accordingly Your Memorialist most respectfully begs to prefer this humble memorial.

Your Memorialist joined Government Service as a sweeper in the District Munsif's Court, Udipi, South Kanara, in about 1904 having completed the Primary standard. He served successfully as sweeper, Dalayath, Process-server, Court-keeper in inferior service for a period of 24 years, 2 months and 4 days whereupon he was promoted to superior service as Amin in the same Court. The Memorialist has served as Amin for 11 years, 3 months and 23 days having been confirmed 9 years and 4 months which included one year's extension of service allowed by the High Court after age 55. Further extension of service to enable the Memorialist to complete 10 years of confirmed service was refused to the Memorialist under the rule abolishing extensions of service in superior grade and Your Memorialist was compulsorily retired.

2 Your Memorialist on retirement has been -- allowed a pension of Rs 6/- per mensem on the basis of -- his inferior service and not the pension based on his - superior service as it was held that he had not completed 10 years of confirmed service.

4 The Memorialist begs to submit most respectfully that at the time he retired he was drawing a salary of Rs 33/- per month and he should ordinarily have been fixed a pension of more than Rs 16/-, i.e., under the superior service, but for the deficiency of about 8 months in his confirmed superior service. The Memorialist begs to draw Your Excellency's kind attention to the fact that Your Memorialist has thus been disallowed pension under the superior grade and at the same time he has been deprived of the chance of putting in an extended service under - the inferior grade. The Provincial Government has - - declined either to fix a proportionate pension for him or to grant him an extension of service inspite of - - memorials presented to the Government.

5 Your Excellency's Memorialist begs to bring it to Your kind notice that the Provincial Government - ought to have condoned the deficiency of 8 months of - qualifying service and fixed him a pension under the -- superior service since his case directly falls under Head No. 1 of the Rules enunciated in Memo No. 37173/Pen -2 dated 6-10-1939 of the Finance (Pensions) Department regarding the condoning of deficiency of service by the Provincial Government. Your Excellency may be pleased to observe that since the deficiency of qualifying - - service in the Memorialist's case is less than 15 months (it being about 8 months), the Provincial Government was perfectly competent under the abovesaid memo to condone

4

the deficiency under Head No. 1 since the Memorialist has had a considerable period of acting service extending over 13 months. This vital aspect of the Memorialist's case has never been considered by the Provincial Government, in their various orders passed on the Memorialist's petitions and Your Memorialist begs most respectfully to urge this aspect before Your Excellency. The Provincial Government further failed to see that Your Memorialist has had meritorious service (Vide Proceedings R.DIs. No. 566/38 dated 1-8-38 of the High Court) and hence his case deserved special consideration under Article 399 of the Civil Service Regulations. The Provincial Government ought to have observed that Your Memorialist belongs to a backward community (weaver) and had been drawing a salary of Rs 33/- per month and had come to adjust his life accordingly to this higher salary and it would be inflicting great hardship on the Memorialist to compel him as the Provincial Government has now done to retire on a pension of only Rs 6/- per mensem. If it is held that the Memorialist has not earned the pension due to him under the superior grade, it is bare justice to allow him to serve for an extended period under the inferior service.

6 This Memorial to Your Excellency is not liable to be with-held by the Provincial Government under any of the instructions relating to the submission of memorials to the Governor General as the substance of this memorial is to the effect that the Memorialist has been disallowed a relief to which he is legally entitled under statute and orders of Government.

7 Your Excellency's Memorialist therefore most humbly and respectfully prays that Your Excellency

5

may be graciously pleased to condone the Memorialist's - - deficiency of 8 months of qualifying service in the superior service and allow him a pension commensurate with his superior service or in the alternative to grant a fair and reasonable pension to the Memorialist under the peculiar circumstances of his case or grant such other and further relief as Your Excellency may be pleased to deem fit.

Memorialist.

6

Proceedings of the High Court of Judicature at Madras.

Subject:- Appeal-petition-K. Narayana, Amin, - - District Munsif's Court, Udipi - Against refusal - of extension of service - allowed.

Read the following paper:-

1. Appeal petition dated 30-6-1938 from K. Narayana, Amin.

2. Letter Dis. No. 3633, dated 4-7-1938 from the District Judge, South Kanara.

O r d e r:- R.Dis. No. 566/38, dated 1st August 1938.

The Appellant has had a meritorious service. Lack of knowledge of English was not considered a bar to his appointment as Amin nor to his continuance in that post. It is no reason therefore for his premature retirement. The appeal is therefore allowed.

2. The intervening period from 1st July 1938 -- till the Appellant rejoins duty should be treated as such leave to which he may be eligible.

Sd/- S. Appusami Pille.

for Deputy Registrar, App. Side.
2/8

To

The District Judge, South Kanara (with records) by registered post.

Copy to the Appellant, through the District Judge.

Forwarded to the Appellant through the District Munsif of Udipi.

Dated. 6th August 1938.

I/- K. Rajagopalan.

District Judge.

(True Copy)

Dated. 8-11-1941.

59

G.F. 16.

DRAFT FOR APPROVAL.

Home Department.

	Date.	Initials.
When received for fair copying ..		
When copied ..		
When examined..		
When signed ..		
When despatched.		

SUBJECT:—

Memorial to H.E. the Govr.Genl.- Sri K. Narayana, retired amin, D.M.C. Udipi - S.Kanara Dt.- request to condone deficienc in superior service or to grant enhanced pension etc.- withheld.

READ AGAIN G.O.No. 2042 Home dated 4.5.40 (A) 19
" " 2692 " 24.6.40 (M) 19
" " 1301 " " 14.3.41. (A)

READ *ALSO*:—

No. 34614E From Sri K.Narayana, Udipi Petn. / No. Nil, dated 8.11.1941. 19

" " " " " 19

" " " " " 19

Order Ms. No. 5884, dated 3.12.1941

Precedents on p 8 of (M) of 1.6 of (A)

p2-5 cf.

p 20 of GB.1574 PS [0] 10.9.29

To

The Hon'ble the C.J (with C.L and copy of pp.2-5 cf.)

~~Copy to the Fin.(Pen) Dept.~~

(Need not be entered in the withheld memorial list - cf.Pub(Ele.c)memo. 30222-1 d.30.1.41.)

Dpd. by [illegible] p 4-5 [0]

Dpr. [illegible]

Date 191

May be put away

The memorialist should be informed that his memorial dated 8.11.41 addressed to His Excellency the Govr.-Genl. of India has been withheld under instructions 7(1) and (13) of the instructions for the submission of petitions to the Governor General in Council, reproduced below:-

[H.E. instrns.7(1) & (13)]

24.11.41

24/11

Where is the question of withholding the memorial? It was retd by the Govt for I for disposal.

26/11

8

Asst. Secretary's query on page 1 ante.

The Govt of India have ~~returned~~ transferred the memorial 2-5 cf. with its enclosure to this Govt. for disposal. The instructions in G.O.No.1544 P.S. d, 18.9.39 govern the disposal of memorials addressed to the Governor-General in Council. Whether a memorial is subd. to the Govr. Genl. through the provincial government or whether a memorial subd. to the G.G. direct by the memorialist without conforming to the instructions governing such submission, is ~~returned~~ transferred by the Govt. of India to the provincial government for disposal, the memorial will be disposed of on merits in accordance with the instructions in the G.O. at (O). The memorial in question is liable to summary rejection under instructions 7(1) and (13) on p.2 of that G.O. Please see G.O.No. 1301 Home d.14.3.41 and No.2642 Home d. 24.6.40 on previous memorials subd. by the same memorialist direct to the G.G. and returned or transferred by the Govt. of India to this Govt. for disposal.

p 1 cf.

p 6 cf.

[O]

p 3 cf.

p 2 of [O]

Z

(A) p 6

(M) p 1

(M) p 8

B

p 7 of (M)

28.11.41

Please see the query at N on p 1 ante & the answer at B above. Irrigation petns × returned by the India Office are simply sent back

3/12

× addressed to the Sec/S of St. H. M. the King Emperor.

to the petitioners

for orders whether the present petn may be
summarily returned to the sender & dealt w the
under the memo & rules in the latter case, the
Draft order on p 7 note is for appeal

4/3.12dd